

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

BIGGE CRANE AND RIGGING CO.,

No. C 10-03530 LB

Plaintiff,

v.

**ORDER VACATING MOTION
HEARING AND DIRECTING
SUPPLEMENTAL BRIEFING**

TRANSLINK, INC.,

[ECF No. 36]

Defendant.

Pursuant to its discretion under Local Rule 7-1(b), the court determines that this matter is appropriate for resolution without oral argument because the record is sufficient to reach a decision (subject to the small issue described below). The court, therefore, **VACATES** the motion hearing set for May 26, 2011.

When entry of judgment is sought against a party who has failed to plead or otherwise defend, a court has an affirmative duty to look into its jurisdiction over the parties. *In re Tulli*, 172 F.3d 707, 712 (9th Cir. 1999). The complaint alleges only that Bigge Crane is a California corporation and that the contracts at issue called for the payments to be made to its office in San Leandro, CA. Complaint, ECF No. 1 at 1 and 6, ¶¶ 1, 8, and 11.¹ Before the court resolves the personal jurisdiction issue, Bigge Crane is invited to provide a short supplemental brief and supporting

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 declarations addressing this issue and asserting facts to establish that the court has personal
2 jurisdiction over Translink, Inc.. *See Tulli*, 172 F.3d at 712-13; *see also Yahoo! Inc. v. La Ligue*
3 *Contre Le Racisme Et L'Antisemitisme*, 433 F.3d 1199, 1205 (9th Cir. 2006) (describing test for
4 specific personal jurisdiction). The supplemental brief is due no later than June 9, 2011.

5 **IT IS SO ORDERED.**

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7 Dated: May 25, 2011



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9 LAUREL BEELER
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
For the Northern District of California